

produced the fruits, nuts, vegetables, and berries listed in § 301.93-2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993; 67 FR 8465, Feb. 25, 2002; 69 FR 56159, Sept. 20, 2004; 70 FR 33268, June 7, 2005]

Subpart—Melon Fruit Fly

SOURCE: 65 FR 8636, Feb. 22, 2000, unless otherwise noted.

§ 301.97 Restrictions on interstate movement of regulated articles.

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.¹

[65 FR 8636, Feb. 22, 2000, as amended at 66 FR 21053, Apr. 27, 2001]

§ 301.97-1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of melon fruit fly and may be moved interstate to any destination.

Compliance agreement. A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with this subpart.

¹Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

Departmental permit. A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.97-4(d) of this subpart.

Dripline. The line around the canopy of a plant.

Infestation. The presence of the melon fruit fly or the existence of circumstances that makes it reasonable to believe that the melon fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.97-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Melon fruit fly. The insect known as the melon fruit fly, *Bactrocera cucurbitae* (Coquillett), in any stage of development.

Moved (move, movement). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any State, or any portion of a State, listed in § 301.97-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.97-3(b) of this subpart.

Regulated article. Any article listed in § 301.97-2 or otherwise designated as a regulated article in accordance with § 301.97-2(e).